No. 463. 183.
Motion to Dismiss
Filed Jan. 3, 1901.

Office Supreme Court U.S.
FILED
JAN 3 1901
JAMES H. McKENNEY,
Clerk.

Supreme Court of the United States.

October Term, 1900.

No. 463.

FLORIDA CENTRAL & PENINSULAR RAILROAD COMPANY, PLAINTIFF IN ERROR,

vs.

WILLIAM H. REYNOLDS, AS COMPTROLLER OF THE STATE OF FLORIDA, AND JOHN A. PEARCE, AS SHERIFF OF LEON COUNTY OF SAID STATE, DEFENDANTS IN ERROR.

Motion to Dismiss Writ of Error.

W. B. LAMAR,

ATTORNEY-GENERAL FOR THE STATE OF FLORIDA,
COUNSEL FOR DEFENDANTS IN ERROR.

THE H. & W. B. DREW COMPANY JACKSONVILLE, FLA. 60888

Supreme Court of the United States.

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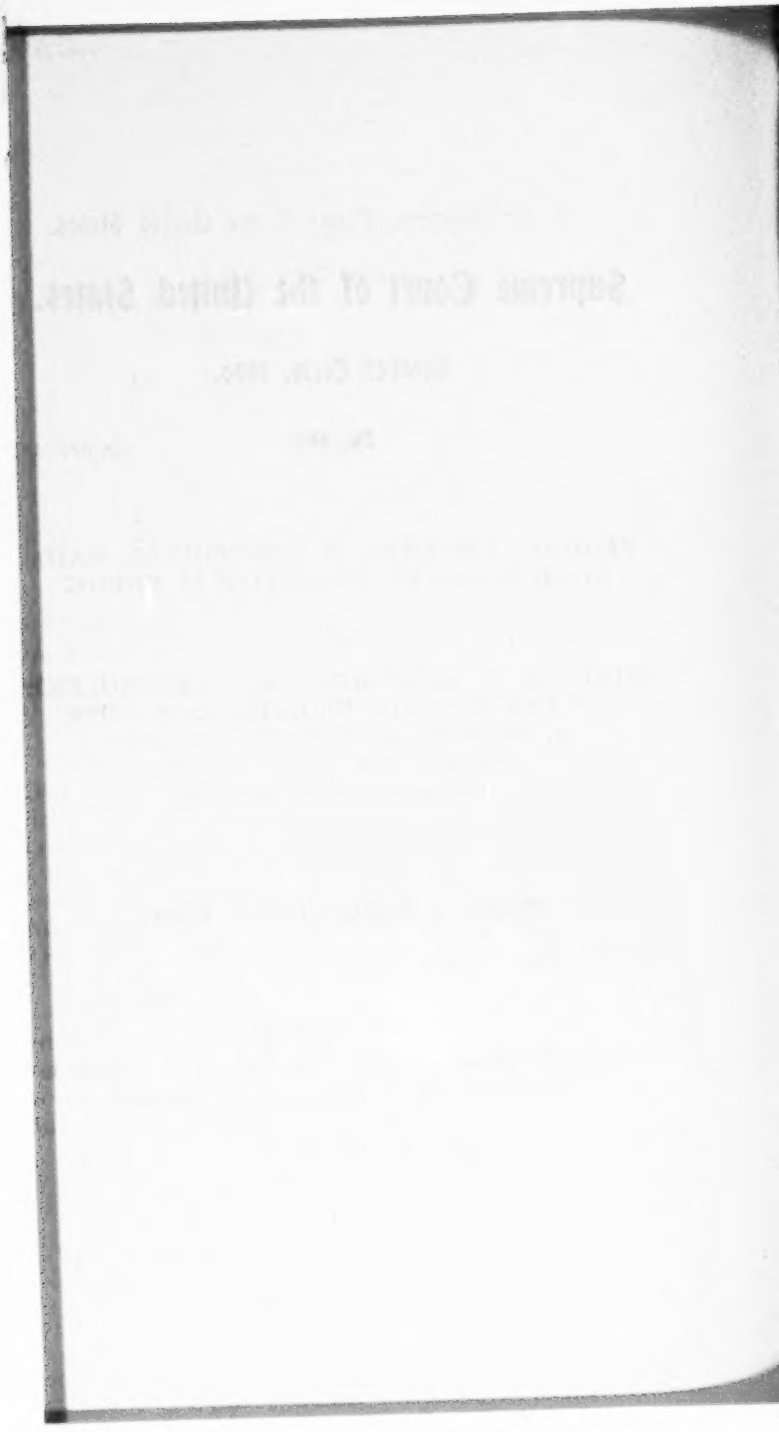

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In the Supreme Court of the United States.

October Term, 1900.

THE FLORIDA CENTRAL AND PENINSULAR RAILROAD COMPANY,
Plaintiff in Error,
VS.
WILLIAM H. REYNOLDS, AS COMPTROLLER OF THE STATE OF FLORIDA, AND JOHN A. PEARCE, AS SHERIFF OF LEON COUNTY OF SAID STATE,
Defendants in Error.

Number 463.

Comes now the defendants in error herein by Wm. B. Lamar, their counsel appearing in that behalf, and moves the Court to dismiss the writ of error in the above entitled cause upon the following grounds, to-wit:

FIRST—Because the judgment or decree which is brought up for examination and review, is the judgment or decree of the Supreme Court of one of the United States, to-wit: The Supreme Court of the State of Florida, and no federal question was involved in the case or appeared or was raised upon the record or was decided by said Supreme Court of Florida adversely to the plaintiff in error which will entitle this Court to examine and review the said judgment or decree of the said State Court.

SECOND—Because the said writ of error was not brought within two years after the entry, by the said Supreme Court of the State of Florida, of the judgment or decree, in the original cause, which is brought up for examination and review.

And the said defendants in error, by counsel as aforesaid, also moves the Court to affirm the said judgment or decree of the said Supreme Court of the State of Florida, which is brought up for examination and review because, although the record in the said cause may show that this Court has jurisdiction in the premises, yet it is manifest that the said writ of error was sued out for delay only.

W. B. LAMAR,
Counsel for defendants in error for the purposes of these motions.

To Hons. John A. Henderson, Wayne McVeagh and Frederick D. McKenney, Counsel for Plaintiff in Error:

Please take notice that on the twenty-first day of January, 1901, at the opening of the Court, or as soon thereafter as counsel can be heard, the motions of which the foregoing are copies will be submitted to the Supreme Court of the United States for the decision of the Court thereon.

Annexed hereto is a copy of the brief of argument to be submitted with the said motions in support thereof.

W. B. LAMAR,
Counsel for defendants in error for the purposes of the motions.